

1401 I Street NW
11th Floor
Washington, DC 20005
Phone 202-326-8891
Fax 202-408-8763

DOCKET FILE COPY ORIGINAL



RECEIVED

NOV 2 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 2, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

00-227

Re: Resubmission of Petition for Waivers and/or Forbearance

Dear Ms. Salas:

Pursuant to the request of the FCC staff, attached is a resubmission of the Petition for Waivers and/or Forbearance, originally filed with the Commission on March 30, 2000. The March 30, 2000 filing has been modified only with respect to the signature block and the new date of resubmission. In making this resubmission, SBC Communications Inc. is relying upon the representation of the FCC staff that the special temporary authority to provide operator-assisted reverse directory assistance service which was granted on April 6, 2000 based upon the March 30, 2000 filing, will continue in full force and effect.

Thank you for your attention to this matter.

Sincerely,

Hope Thurrott

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

RECEIVED

NOV 2 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of the Petition of)
Nevada Bell, Pacific Bell, Southwestern Bell)
Telephone Company, Southern New England)
Telephone, and the Ameritech Michigan Bell,)
Ohio Bell, Illinois Bell, Indiana Bell, and)
Wisconsin Bell Telephone Companies)
To Provide Operator-Assisted)
Reverse Directory Assistance Services and)
Electronic Reverse Directory Assistance)
Services and for Waivers of And/Or Forbearance)
From Any Comparably Efficient Interconnection)
(CEI) Or Telecommunications Act of 1996)
Requirements that the Commission Might)
Deem Required)

CA 00-227

RESUBMISSION OF PETITION FOR WAIVERS AND/OR FORBEARANCE

Nevada Bell (NB), Pacific Bell (PB), Southwestern Bell Telephone Company (SWBT), Southern New England Telephone (SNET), and the Ameritech (AIT) Michigan Bell, Ohio Bell, Illinois Bell, Indiana Bell, and Wisconsin Bell Telephone Companies (collectively, the SBC telephone companies) hereby petition the Commission for authority to provide Operator-Assisted Reverse Directory Assistance Services and, where waivers and/or forbearance have not previously been granted, for authority to provide Electronic Reverse Directory Assistance Services. The SBC telephone companies seek waivers of and/or forbearance from any of the Comparably Efficient Interconnection (CEI) or Telecommunications Act of 1996 (Act) requirements that the Commission might deem required in order for them to provide such services.

I. SERVICE DESCRIPTION AND BACKGROUND

SWBT and the AIT telephone companies currently have authority to offer *electronic* reverse search capabilities pursuant to waivers granted by the Commission for

electronic white pages.¹ Reverse search capability allows an end user to match a telephone number with a customer name and address, as opposed to traditional directory assistance which allows an end user with a customer name to find a telephone number.

In this Petition, the SBC telephone companies seek an extension of the waivers previously granted for electronic reverse directory assistance services to include operator-assisted reverse search so that they can provide the same information to callers seeking to match a telephone number with a customer name and address by calling directory assistance. The only difference is that the information would be obtained from a directory assistance operator rather than through another medium. In all other respects, the transaction is the same.

SWBT, NB, and PB were previously granted forbearance from the Section 272 separate affiliate requirement for electronic reverse directory assistance services.² Moreover, beginning February 8, 2000, the ban on the Bell Operating Companies offering interLATA information services expired, and Section 272 forbearance on their

¹ *In the Matter of Southwestern Bell Telephone Company Petition for Waiver of Computer III Rules for Reverse Search Capability, Memorandum Opinion and Order on Reconsideration*, CC Docket No. 90-623 (rel. July 3, 1996); *In the Matter of Ameritech Petition for Waiver of 623, Computer III Rules for Reverse Search Capability, Order*, CC Docket Nos. 85-229 and 90-95-20 (rel. March 24, 1997). No party objected to the granting of those waivers. NB and PB do not currently offer electronic reverse search directory assistance services, but would like to be included within the scope of any existing or subsequently granted waivers, so that they may also offer reverse directory assistance services (electronic and operator-assisted). SNET was not required to seek a waiver, because it was and is not a "Tier 1 LEC," subject to the *Computer III Orders* and requirements. Nevertheless, should the Commission determine otherwise, SNET also wishes to be included within the scope of any existing or subsequently granted waivers for these services.

² *Nevada Bell, Pacific Bell, and Southwestern Bell Telephone Company, Memorandum Opinion and Order*, CC Docket No. 98-193 (rel. April 9, 1999). Although NB and PB did not offer those services, the forbearance petition covered their potential future deployment. The AIT telephone companies did not require Section 272 forbearance because their service was only provided on an intraLATA basis. SNET also did not require forbearance since it reconfigured its service to be intraLATA only.

future provision of such services is no longer required.³ To the extent that the Commission determines that there are any other provisions of the Act, or its *Orders*, or rules that would prevent or affect the SBC telephone companies' proposed provision of these services, the SBC telephone companies request that those provisions, *Orders*, or rules be waived or made the subject of a grant of forbearance for the services involved in this case.

The underlying basis for the Electronic Reverse Search and Operator-Assisted Reverse Search waivers and forbearance grants is essentially the same. In granting the Electronic Reverse Search petitions, the Commission relied on the existence of competitive alternatives; the fact that, without the CEI waivers and/or forbearance grants, the applicants would be unlikely to offer the service; and that the public interest would be served by providing consumers another option and doing so without delay. The same reasons for granting the requests for waiver and forbearance on an Electronic Reverse Search Directory Assistance apply equally in this case for Operator-Assisted Reverse Directory Assistance Services and they also apply for those SBC telephone companies who were not previously granted a waiver and forbearance to provide Electronic Reverse Directory Assistance Services.

II. PUBLIC INTEREST BENEFITS

The public interest benefits of providing reverse search information were recognized by the United States District Court for the District of Columbia in granting a waiver to Ameritech allowing it to continue to provide those services.⁴ Consumers want and desire such information in order to fully utilize their basic telecommunications

³ *In the Matter of Request for Extension of the Sunset Date of the Structural, Nondiscrimination, and Other Behavioral Safeguards Governing Bell Operating Company Provision of In-Region, InterLATA Information Services, Order*, CC Docket 96-149 (rel. February 8, 2000).

⁴ *United States v. Western Electric Co., Inc.*, 1989 U.S. Dist. LEXIS 5156; 1989-1 Trade Cas. (CCH) P68, 433 (February 6, 1989).

services and other business needs.⁵ For example, a paging service customer receiving a page may want to know the name of the person initiating the page before returning the call. Operator-assisted reverse search will provide that customer with a valuable method to obtain that information. Similarly, a customer, while traveling, may not have the ability to go online to retrieve similar information and, for that customer, operator-assisted reverse search service would prove useful as well.

Operator-assisted reverse search capability is already available from other companies, *e.g.*, AT&T "00" Info. Besides AT&T, other companies providing the service include Cincinnati Bell ("All In One 411"), Metro One, Excel Agent Services, and Teltrust. Moreover, the same or similar information is also available from a number of Internet sites.⁶ The SBC telephone companies will be just another source of the information providing it through a different means; all of which serves the public interest by giving consumers more choices.

Another reason to permit the SBC telephone companies to provide this information through directory assistance is that it is incremental to the information currently provided by directory assistance operators and can be provided efficiently and quickly by the SBC telephone companies' directory assistance operators utilizing their

⁵ In fact, in CC Docket No. 98-193 (n. 2, *supra*), when faced with the prospect of losing the reverse search functionality of SWBT's DirectLine Custom product, a number of customers wrote the Commission urging it to retain SWBT's reverse search product because of its importance to their services and businesses. Such customers included a city-owned utility, a police department, a county government, a bank, insurance investigators, and other firms.

⁶ See *e.g.*, <http://www.411locate.com/> ; <http://www.5551212.com/lookup.cfm> ;
<http://www.infospace.com/info/reverse.html> ;
<http://home.netscape.com/netcenter/whitereverse.html> ;
<http://www.telephonedirectory.com/frames/anywherereverse.html> ;
<http://whitepages.com/> ; <http://www.infouse.com/homesite/index.html>

existing databases.⁷ Consumers should not be denied the benefits of those efficiencies, particularly when there are other providers and alternatives.

III. WAIVERS AND/OR FORBEARANCE

The SBC telephone companies submit that there is good cause for a waiver of the Commission's CEI requirements for the provision operator-assisted and electronic reverse directory assistance services. In addition to the public interest benefits enumerated above (and incorporated here by reference), literal compliance with CEI would likely delay and could potentially prevent the SBC telephone companies from offering these services. Operator-assisted reverse directory assistance cannot be economically offered as a stand-alone service. It is only feasible to offer the service as complementary to the SBC telephone companies' existing directory assistance services using the same databases and the same directory assistance operators.⁸ Consumer acceptance of the service would also be adversely affected by the delays in provisioning of both operator-assisted reverse search and traditional directory assistance information if such information is provided in a manner that complies with the requirements of CEI.⁹

Forbearance, to the extent the Commission deems it applicable, should also be granted for the SBC telephone companies' operator-assisted and electronic reverse directory assistance services. Competition in the market for such services will ensure that

⁷ Directory assistance and reverse directory assistance services are complementary and can be provided from the same databases.

⁸ The SBC telephone companies believe it is not feasible for them to do it any other way, and that offering the service through a different channel would be redundant and overly expensive.

⁹ Examples might include reading off a list of available providers, using voice prompts to select a provider, and/or using different operators to provide the reverse search information. Consumers would be inconvenienced by such requirements, and would be unlikely to use the service. Moreover, enhanced service providers are not likely to want to provide a stand-alone reverse search service and, for that reason, also, it would be unreasonable to impose those requirements on "Tier 1" LECs' provision of operator-assisted reverse directory assistance services.

the charges, practices, and classifications are just and reasonable. Also, the services will be available for resale, and competitive local exchange carriers (CLECs) can have directory assistance calls custom-routed by the SBC telephone companies to the CLECs' platform or their directory assistance provider's platform, where they too can provide reverse directory assistance services.¹⁰ The SBC telephone companies also make their directory assistance listings available to other Directory Assistance Providers, who are not CLECs, and they can use those listings to provide reverse directory assistance services.

Enforcement of the CEI and the Act's regulations are simply not necessary for the protection of consumers in this area. In fact, enforcement of the CEI and other nondiscrimination requirements¹¹ would be likely to result in a situation where only the SBC telephone companies (excluding SNET) and other "Tier 1" LECs would be unable to offer these services to consumers, thus reducing competition and consumer choice. Finally, as previously noted herein, forbearance from the enforcement of such provisions or regulations is clearly in the public interest. Hence, all of the statutory requirements for adopting forbearance have been satisfied in this case.¹²

IV. PRAYER AND REQUEST FOR RELIEF

The SBC telephone companies seek an extension of CEI waivers previously granted to provide electronic reverse search directory assistance services to include authority to provide operator-assisted reverse directory assistance services.

¹⁰ *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Fourth Further Notice of Proposed Rulemaking ("UNE Remand Order"), CC Docket No. 96-98, Executive Summary* (rel. November 5, 1999) [incumbent LECs are not required to unbundle their OS/DA services pursuant to section 251(c)(3), except in the limited circumstance where an incumbent LEC does not provide customized routing to a requesting carrier to allow it to route traffic to alternative OS/DA providers].

¹¹ *See e.g.*, 47 U.S.C. §272(e)(4).

¹² 47 U.S.C. §10

NB and PB request that they be included in any existing or subsequently granted CEI waivers so that they may begin to offer reverse directory assistance services (electronic and operator-assisted). If necessary, SNET also requests that it be included in such waivers.

The SBC telephone companies also seek any other waivers of and/or forbearance from any of the CEI or Telecommunications Act of 1996 requirements that the Commission might deem required in order for them to offer operator-assisted and electronic reverse directory assistance services.

Respectfully submitted,

Nevada Bell, Pacific Bell, Southwestern
Telephone Company, Southern New
England Telephone, and the Ameritech
Michigan Bell, Ohio Bell, Illinois Bell,
Indiana Bell, and Wisconsin Bell Telephone
Companies

By: _____

Hope Thurrott
Christopher Heimann
Roger K. Toppins
Paul Mancini
1401 I Street NW, 11th Floor
Washington, D.C. 20005
202-326-8891

Its Attorneys

November 2, 2000

CERTIFICATE OF SERVICE

I, Loretia Hill, hereby certify that a true and correct copy of the above and foregoing petitions served on 1st day of November, 2000, to the following individuals:


Loretia Hill

International Transcription Services, Inc.
2100 M Street, NW
Suite 140
Washington, DC 20037

Janice Myles
Federal Communications Commission
The Portals
445 12th St. SW
Washington, DC 20554

William A. Kehoe III
Federal Communications Commission
The Portals
445 12th St. SW
Washington, DC 20554